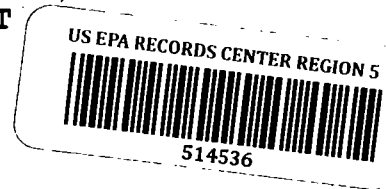


UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Hubert H. Humphrey, III,
its Department of Health, and its
Pollution Control Agency,

Civil No. 4-80-469

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM
INC.; and PHILLIP'S INVESTMENT CO.,

Defendants.

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

REILLY TAR &
CHEMICAL CORPORATION'S
RESPONSE TO THE
STATE OF MINNESOTA'S
REQUEST FOR ADMISSIONS
(DOCUMENTS)
(February 6, 1985)

Defendant Reilly Tar & Chemical Corporation (hereinafter "Reilly") makes the following response to the State of Minnesota's Request for Admissions (Documents) dated February 6, 1985.

Reilly states that it denies all requests for admissions to the extent that they are not expressly admitted or qualified.

All admissions by Reilly herein that a document is "admissible" are made with the qualification that Reilly is admitting that the document in question is admissible subject to it being otherwise determined that the document in question concerns relevant evidence. Furthermore, to the extent that any of the documents contain chemical analytical data from laboratories not identified in Appendix A to that Stipulation mailed to William Sierks on January 30, 1985, Reilly specifically denies the admissibility of said chemical analytical data.

Request for Admission Schedule 1

Schedule 1 contains a list of documents which have been previously marked as exhibits for use during depositions in this litigation. Because they are easily accessible to all parties to this litigation, copies of these documents are not attached. For each of the documents listed on Schedule 1, Reilly is requested to admit:

1. That each of the documents is authentic;
2. That each of the documents is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
3. That each of the documents is admissible.

SCHEDULE 1

<u>Date</u>	<u>Minnesota Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
est. 1960	1 & 1a	Untitled company rpt.	303361-428
70/05/21	2	Memo Leshar to Finch	302502
00/00/00	3	Untitled company rpt.	303649-53A
00/00/00	4	Untitled company rpt.	100019-25
70/05/03	5	Handwritten notes	304114-15
70/09/22	6	Handwritten notes	302559-60
70/12/09	7	Handwritten notes	302662
70/12/16	8	Handwritten notes	302667-69
71/02/05	10	Memo Boyle to Finch	302421-23
71/02/16	11	Memo Finch to Hennessy	302428-29
63/06/12	13	Memo Finch to Hennessy	208003-04
62/01/08	13A	Memo Finch to Boyle	301375-77
66/12/14	14	Memo White to Finch	402050R-51R
58/10/07	15	Memo Reilly to Holstrom	220451
48/06/11	17	Insurance Inspection Rpt.	215983-84
54/07/28	18	Memo Lauck to Horner	201152-58
70/03/02	19	Memo Finch to Wheeler	301792-93
70/03/02	20	Memo Hennessy to Finch	302578
70/07/31	20A	Design of oil-water separator	302542
68/05/09	21A	Twin City Testing rpt.	302474
68/12/10	21B	Twin City Testing rpt.	302470
68/06/25	21C	Memo Wheeler to Leshar, attaching Twin City Testing rpt.	302471-72
69/01/22	21D	Twin City Testing rpt.	302806
70/01/05	21E	Memo Justin to Finch, attaching Twin City Testing report Twin City Testing report Twin City Testing report	302454; 302455 303927 304132
70/09/08	21F	Twin City Testing rpt.	302469
63/09/30	24	Memo Finch to Boyle	104309
70/10/15	25	Memo Finch to Boyle	301562-63
62/08/06	26	Memo Finch to T.E. Reilly	100433
55/03/03	27	Memo Mootz to Holstrom	104117-20
64/09/15	29	Memo Leshar to Finch	104322
67/03/16	30	Memo Finch to T.E. Reilly	303309-10; 200417
67/10/24	31	Justification Sheet for Replacement	201114-15
71/08/10	32A	Memo Keprios to Finch	224558
71/08/10	32B	Memo Justin to Finch	224548
71/08/10	32C	Memo Lindberg to Finch	224561-62
55/09/09	34	Memo T.E. Reilly to Holstrom	220439
66/08/05	37	Letter Tkachenko to White	405117-18
66/10/28	38	Billing	405094
62/10/04	46	Memo Finch to T.E. Reilly	303084
64/08/14	47	Memo Finch to Leshar	104326

SCHEDULE 1
(continued)

<u>Date</u>	<u>Minnesota Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
65/08/04	48	Memo Boyle to Finch	303343
68/05/03	49	Memo Finch to Leshar	302846
68/05/14	50	Memo Leshar to White	302849-50
68/07/25	52	Memo Finch to Boyle	302872
68/12/04	53	Memo Leshar to Finch	302875
69/07/23	55	Memo Finch to Justin	302809
69/08/06	56	Memo Varnell to Finch	302812
69/10/13	57	Letter Braun to Finch	3600115-18
69/11/19	58	Memo Wheeler to Reilly	302822-23
69/12/01	59	Memo Wheeler to Finch	219252
00/06/22	60	Memo T.M.K. to H.L.F.	303249
70/06/19	61	Letter Ryan to Charches	3500041-44
70/08/13	62	Memo Finch to Hennessy	302525
70/09/17	63	Memo Finch to Boyle	104366-67
70/10/05	64	Letter Finch to Kays	302589-90
71/02/05	65	Memo Reilly to Staff	302420
71/10/06	66	Letter Boyle to EPA	302381
71/10/10	67	Memo Finch to Justin	302379-80
72/01/05	68	Memo Finch to Reilly	301030-31
72/01/05	69	Memo Finch to Boyle	300918
72/06/15	70	Letter Boyle to Army	302373-74
69/06/25	71	Memo Fenoglio	100394-95
66/10/05	75	Memo White to Boyle	223497-98
69/08/04	76	Memo Leshar to Sychalski	302810
70/07/06	77	Memo Leshar to Ryan	201819
68/09/19	78	Memo Leshar to White	301733
38/07/27	79	Memo McLellan to Edwards	303004-06
51/07/25	81	Memo Horner to Larkin	303072-73
63/10/25	82	Memo Hennessy to Boyle	104306-07
70/03/13	84	Special Rpt. by Aetna Life	219522
68/10/10	87	Letter White to Boyle	201109
61/09/00	88	Plant Managers Mtg. rpt.	303451-80
41/01/20	89	Memo Holmstrom to Mitchell	303066
70/07/29	90	Memo Leshar to Finch	302504-05
70/08/11	91	Memo Finch to Leshar	104372
70/08/12	92	Memo Leshar to Finch	104371
70/07/27	93	Handwritten notes by Boyle	302500
70/11/09	94	Memo Justin to Hennessy	302759
70/01/28	103	Memo Justin to Finch	302458
70/01/30	104	Memo Justin to Leshar	301653
		with attached flow sheets	301832
			301875
			301877
70/06/25	105	Memo Justin to Finch	302493
70/07/06	106	Memo Leshar to Ryan	201819

SCHEDULE 1
(continued)

<u>Date</u>	<u>Minnesota Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
70/09/25	107	Memo Justin to Finch	302574
70/10/06	108	Memo Justin to Finch	302747
70/10/14	109	Memo Justin to Finch	302004
70/11/02	110	Memo Justin to Finch	208028
70/11/27	111	Memo Justin to Finch	302653-55
70/12/23	113	Memo Hennessy to Finch	100093
71/03/16	114	Memo Justin to Leshner	303828
71/04/30	115	Memo Leshner to Justin	302402
42/03/27	118	Memo Mootz to Horner	101392
42/04/03	119	Memo Horner to Mootz	101391
55/04/28	120	Memo Holstrom to Horner	108250
29/09/16	120A	Handwritten Memorandum of Deep Well Specifications	108251
33/04/08	136	Memo Larkin to Reilly	302957
33/05/10	137	Memo Rademacher to office	302959
33/05/08	138	Memo P.C. Reilly to SLP	302958
33/05/12	139	Memo P.C. Reilly to Rademacher	302961
33/06/20	140	Memo Rademacher to P.C. Reilly	302973
31/12/12	141	Memo Rademacher to Edwards	103221
33/04/07	142	Memo Reilly to Edwards	302956
30/05/07	145	Memo Edwards to P.C. Reilly	103466-70; 103472
34/03/19	146	Memo Edwards to McLellan	302982
38/09/17	147	Memo Edwards to McLellan	303017-18
74/02/08	161	Letter Koch to Doyle	302324-25
74/02/12	162	Letter Boyle to Koch	6000283
74/04/01	163	Letter Koch to Doyle	7202653
74/04/11	164	Letter Polack to Koch	6000256

SCHEDULE 1
(continued)

<u>Date</u>	<u>United States Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
57/02/27	1	Memo Hennessy to Horner	30088-89
54/10/12	8	Memo Lauck to Horner	304409-14
59/10/08	12	Memo Gruenhagen to Horner	304204-06
62/02/26	13	Memo Finch to Horner	304404-05
63/04/17	14	Memo Finch to Boyle	223089-90
63/10/08	15	Memo Boyle to Hennessy	104308
66/09/07	16	Memo White to T.E. Reilly	100255
66/10/05	17	Memo White to Boyle	223497-98
70/08/10	19	Investigation	302526-38
68/10/30	20	Memo	200975-78
69/09/05	21	Memo T.E. Reilly to Finch	200697
69/10/21	22	Letter Boyle to Brewster	300299
69/12/08	23	Memo Wheeler to Finch	301867-68
70/09/04	24	Memo Leshar to Justin	302544
70/10/07	25	Memo Ryan to Hennessy	302748
71/01/12	26	Memo Hennessy to T.E. Reilly	100092
71/03/23	27	Memo Hennessy to P.C. Reilly	302408-15
72/01/10	28	Memo Hennessy to Boyle	300984
72/01/13	29	Questionnaire	300916
38/07/20	32	Memo	302996-3002
41/01/22	37	Lab analysis	303069
83/05/00	43A-F	ERT Report	
83/05/11	44A	Invitation to Public Mtg.,	586105
83/05/17	44B	RSVP's and mailing list	586106-07
83/05/17	44C	Invitation letter; mailing list	586108-13
83/04/29	45	Letter T.E. Reilly to Gardebring	588831
83/05/18	46	T.E. Reilly Comments	588969-72
83/05/18	47	Transcript of TV interview (WTCN)	500118-20
83/05/18	48	Transcript of Radio interview (WCCO)	590045
83/05/18	51	Press Release	590225
71/09/17	53	Memo Finch to Leshar	208228
71/09/17	54	Notice of Closure of Refinery	208029
76/05/13	55	Insurance Rpt.	9509119
59/06/16-18	56	Reilly Plant Manager Mtg.	303517-31
68/10/11	58	Memo McAdams to File	221627-32
69/10/10	59	Memo Finch to T.E. Reilly	301266-75

Response to Request for Admission Schedule 1

Reilly admits:

1. That each of the documents identified by the following Deposition Exhibit Numbers is authentic;
2. That each of the documents identified by the following Deposition Exhibit Numbers is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the following list; and,
3. That each of the documents identified by the following Deposition Exhibit Numbers is admissible:

Minnesota Deposition Exhibit Numbers 1, 1a, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 13A, 14, 15, 17, 18, 19, 20, 20A, 21A, 21B, 21C, 21D, 21E, 21F, 24, 25, 26, 27, 29, 30, 31, 32A, 32B, 32C, 34, 37, 38, 46, 47, 48, 49, 50, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 75, 76, 77, 78, 79, 81, 82, 84, 87, 88, 89, 90, 91, 92, 93, 94, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 118, 119, 120, 136, 137, 138, 139, 140, 141, 142, 145, 146, 147, 161, 162, 163, 164.

United States Deposition Exhibit Numbers 1, 8, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 37, 53, 54, 55, 56, 58, 59.

Reilly does not admit or deny that statements contained in the above referenced documents are true and correct statements of relevant fact.

With respect to the documents identified by Minnesota Deposition Exhibit Number 120A and United States Deposition Exhibit Number 32 Reilly admits that these documents were contained within its files and were produced to the Plaintiffs. However, after reasonable inquiry and review of information known or readily obtainable, Reilly is unable to admit or deny that the documents identified by Minnesota Deposition Exhibit Number 120A and United States Deposition Exhibit Number 32 are 1.) authentic, 2.) a business record prepared or maintained by Reilly in the ordinary course of its business and 3.) admissible.

With respect to the documents identified by United States Deposition Exhibit Numbers 43A-F, 44A, 44B, 44C, 45, 46, and 51 Reilly admits that these documents are 1.) authentic and 2.) admissible.

Reilly denies that the documents identified by United States Deposition Exhibit Numbers 43A-F, 44A, 44B, 44C, 45, 46, 47, 48 and 51 are business records prepared or maintained by Reilly in the ordinary course of its business.

Reilly admits that the documents identified by United States Deposition Exhibit Numbers 47 and 48 are authentic.

Reilly denies that the documents identified by United States Deposition Exhibit Numbers 47 and 48 are admissible.

Request for Admission Schedule 2

Schedule 2 contains a list of documents which have not been previously marked as exhibits for use during depositions in this litigation. Copies of these documents are attached. For each of the documents listed on Schedule 2, Reilly is requested to admit:

1. That each of the documents is authentic;
2. That each of the documents is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
3. That each of the documents is admissible.

SCHEDULE 2

<u>Date</u>	<u>Description</u>	<u>Doc. No.</u>
38/07/30	Memo P.C. Reilly to SLP	303003
38/08/17	Memo McLellan to Edwards	303012
62/01/30	Memo Boyle to Finch	10481
62/03/08	Memo Finch to Boyle	304460-62
1948-1965	Record of Purchases	220410-11
1934-1951	St. Louis Park Plant	
	Tar Purchases	400500
42/01/06	Lab analysis of vertical retort tar	214588
45/09/21	Memo Holstrom to office	215481
48/06/11	Insurance Inspection	215983-84
57/11/25	Procedure of Operating Still	303664-87
61/01/31	Tank Data St. Louis Park	304193
61/12/28	Memo Finch to T.E. Reilly	200101
63/06/20	Memo Finch to T.E. Reilly	100396
68/05/14	Memo Leshner to White	208008-09
68/06/04	T.E. Reilly to Finch-Work Order	220561
68/06/13	T.E. Reilly to Finch-Work Order	220562
est. 1971	Plant operation and property description	401877-83
71/03/23	Memo Hennessey to P.C. Reilly	303233-40
17/09/05	Letter Republic Creosoting Manager to Batson	302927-29
17/09/14	Letter McCarthy to Larkin	303124A
17/09/15	Letter McCarthy to Larkin	302930
17/10/05	Letter Larkin to P.C. Reilly	302932
17/10/16	Letter Republic Creosoting Manager to Batson	302933
17/10/22	Letter Republic Creosoting Manager to P.C. Reilly	302934
17/11/03	Letter Republic Creosoting Manager to P.C. Reilly	302941-42
17/11/13	Letter to P.C. Reilly	302945-46
17/11/26	Letter McCarthy to Larkin	302947
17/12/05	Letter P.C. Reilly to Larkin	303137
17/12/10	Letter Republic Creosoting Manager to P.C. Reilly	302949-51
19/12/30	Letter Robinson to Larkin	302952-54
33/05/13	Memo Derby to P.C. Reilly	302965
33/05/18	Memo Rademacher to P.C. Reilly	302967
33/05/20	Memo P.C. Reilly to Derby	302966
33/06/12	Memo P.C. Reilly to Larkin	302974
33/06/22	Memo Courtney to Derby	303047
33/06/22	Memo P.C. Reilly to Derby	302972
33/07/06	Memo Wechsler to SLP office	302980
33/07/12	Memo Rademacher to Wechsler	302981
34/03/19	Memo Edwards to McLellan	C302982
34/03/26	Memo McLellan to Edwards	302983

Schedule 2 (continued)

<u>Date</u>	<u>Description</u>	<u>Doc. No.</u>
34/04/23	Memo McLellan to Edwards	302984
54/08/02	Letter Melcher to Peters	405074-75
54/08/02	Letter Rogers to Peters	405070-71
54/09/24	Letter Rogers to Peters	405072-73
54/10/01	Letter Rogers to Peters	405069
55/09/23	Pump order - Layne Co.	405061
55/09/26	Letter Luther to Peters	405068
55/10/31	Letter Luther to Peters	405067
66/08/25	Letter Tkachenko to White	405120-21
66/08/31	Sales Acknowledgment - Layne Co.	405104
66/09/23	Sales Order - Layne Co.	405098
66/08/31	Installation Plan - diagram	405107
66/10/13	Job Sheet - Tkachenko	405097
38/11/10	Memo Danz to Courtney	303024
58/10/07	Memo T.E. Reilly to Holstrom	220451
67/03/28	Memo Mootz to T.E. Reilly	302913
68/05/20	Work order by White	200994
68/05/23	Memo Leshner to P.C. Reilly	302242-44
68/05/14	Memo Leshner to White	302849-50
70/09/30	Memo Hennessy to Finch	100103
70/10/28	Letter Rays to Finch	302623-24
71/03/23	Memo Hennessy to P.C. Reilly	303233-40
54/09/24	Memo Tkachenko	405056
54/09/24	Tkachenko Handwritten Notes	405076-77
54/00/00	Layne - Foundation Plan Pump Heads	405064
54/00/00	Installation Plan Pump Head	405062

Response to Request for Admission Schedule 2

Reilly admits:

1. That each of the documents identified by the following document numbers is authentic;
2. That each of the documents identified by the following document numbers is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and
3. That each of the documents identified by the following document numbers is admissible.

303003	303012
304460-62	220410-11
400500	214588
215481	215983-84
303664-87	304193
200101	100396
208008-09	220561
220562	401877-83
303233-40	302927-29
303124A	302930
302934	302941-42
302945-46	302947
303137	302949-51
302952-54	302965
302967	302966
302974	303047
302972	302980
302981	C302982
302983	302984
405074-75	405070-71
405072-73	405069
405061	405068
405067	405120-21
405104	405098
405107	405097
303024	220451
302913	200994
302242-44	100103
302623-24	303233-40
405056	405076-77
405064	405062

Reilly denies that documents provided by the State of Minnesota and identified by the following document numbers

are 1) authentic, and 2) admissible: 10481, 302932 and 302933. The documents provided by the State of Minnesota bearing these document numbers had extraneous markings. Authentic copies of documents 10481, 302932 and 302933 are attached. A copy of document number 302849-50 was not provided by the State of Minnesota. A true copy of this document is also attached. Reilly admits that the copies of the attached documents bearing the document numbers 10481, 302932, 302933, 302849-50 are 1) authentic, 2) business records prepared in the ordinary course of business at or near the time cited therein, and 3) admissible.

Reilly does not admit or deny that statements contained in the above referenced documents are true and correct statements of relevant fact.

COPY

REILLY TAR & CHEMICAL CORPORATION

Mr. H. L. Finch - St. Louis Park

Indianapolis

R. J. Boyle

January 30, 1962

ST. LOUIS PARK - PROPERTY

This will confirm our telephone conversation of this date, in which you advised that at the meeting held Monday, January 29, the St. Louis Park City Council passed the Resolution creating an Urban Re-nal Authority. This action is preliminary and is now subject to a Public Hearing to be held February 19, 1962.

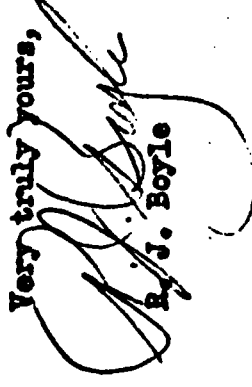
Our attorney, Mr. John Ingve, addressed the City Council in an attempt to call to their attention the damage they would do to our Company and the possibility that they did not understand the value of the Republic property at St. Louis Park. You advised that the Council paid little attention to the arguments presented and proceeded to pass the Resolution.

This action of the Council is quite disturbing to you, particularly since the matter of "getting rid of the creosote plant" has become an emotional one with a consequent disregard for facts. From the various reports you have given us, it appears that the Mayor and the City Manager, and other parties, have decided to handle this matter on the basis of a "witch hunt" rather than on a "what is best for the St. Louis Park Plant" approach. This is probably being done so that the taxpayers will not be aware of the potential tax burden they face during the initial stages of the purchase of the property.

Unfortunately, we do not know how you could appear at the Public Hearing on February 19 and satisfactorily explain our drainage problem or refute the claim that our creosote oil has contaminated wells in the neighborhood.

By copy of this letter, we are asking each of those to whom it is addressed to give us their suggestions regarding the statements we should make at the Public Hearing with respect to drainage and the contamination of wells. We would also appreciate any other thoughts which can be advanced.

Very truly yours,



R. J. Boyle

RJB:LS

cc: Mr. P. C. Reilly - Office
Mr. T. E. Reilly - Office
Mr. G. A. Reilly - Office
Mr. H. R. Horner - Reilly Lab.

10481

Oct. 5, 1917.

Mr. P. C. Reilly, President,
Republic Creosoting Company,
Indianapolis, Ind.

Re: St. Louis Park Refinery. - Water Supply.

Dear Sir:-

I had a talk with Mr. McCarthy, today, after a complete examination of the well had been made.

One of the men who worked on this job is with McCarthy now, and the history of the well shows the well driller's tools were lost in this hole in 1878 which was the year the well was dug.

They are not just sure how deep this well was but their best record shows it was 700' deep. Therefore, they are close to the top of the tools now and would prefer not to go farther for fear of striking them.

The water stands within 12' of the top of the ground, and both the 16" casing which goes down 55' and the 17" casing which goes below to the rock, both casings totaling a distance of little over a hundred feet seem to be in good shape.

In those days, only wrought iron pipe was used for this work and, of course, this is of considerable advantage, as the wrought iron pipe under this condition gives very much greater satisfaction than a steel pipe.

There was 175' of 7" pipe taken out. It looks as though this 7" pipe was used in connection with the air lift which was used in operating this well.

We have decided now that the thing to do is to put a pump on to this well and pump out for a sufficient length of time to determine that the capacity of the well is up to the limit of the capacity of the McCarthy outfit which is 350 gallons per minute and then we can determine closely what the capacity of the well is, because we can watch to see what influence this capacity will have on the column of water and in this way estimate quite closely the actual maximum capacity of the well.

We are all ^{much} pleased that this well has cleaned out so easily and we have a well of this kind available for our use with comparatively small expense.

^{soon} We shall learn more about the capacity of this well, we shall advise you.

Dict. 10-1-17
AFL/T
cc- Mr. Eaton.

Yours very truly,
REPUBLIC CREAM COMPANY.

312932

Oct. 16, 1917.

Mr. C. D. Batson, Manager,
Republic Creosoting Company,
Mobile, Ala.

Re: St. Louis Park - Water Supply.

Dear Sir:-

There is no ~~certain~~ ^{question} out that the big well that is 866' deep and from which we can take 400 gallons a minute without lowering the water more than 19' below the surface will give us a perfectly dependable supply; but this well is nearly 600' away from our pump room and on my own responsibility and before the well rig left the grounds, I had them pull over to a well that happens to be dug right at a location that on the basis of the present layout comes right inside of the corner of our main building. This well we have cleaned out and it gives us now 150 gallons a minute. It is, however, a shallow well, only about 60' deep and would, no doubt, be effected by the seasons.

However, as our water requirement will be considerably less than 150 gallons a minute, it occurred to me we could put in a deep well pump right inside of our own building and get our supply in that way and until our creosoting plant is moved over to the new site and our demands get larger, this small well would be ample for our needs.

My idea was to connect up our main suction pump with the big well constructing a good tight line below the frost line from the pump over to the well 600' away. The lift on this basis would only be about 15' and I should like your advice on this construction. With this line constructed, then we would not be ~~dependent~~ ^{on} this small well, if it gave out, which I do not think is very probable because of the history of these shallow wells in the St. Louis Park district.

For instance, the Monitor Drill Company have been using a shallow well for the last seven years, and even tho they have had some dry seasons this well has given them first class supply all the time. They, however, have a thousand foot well in the background that they can pull on in case of emergency.

Of course, it would be much more economical for us to operate the small well than it would be to pump from the deep well and because I did not want to pass up a good possibility I had the small well opened up and a screen put into it with the result as above.

Please give me your candid opinion on this proposition.

Yours very truly,

REPUBLIC CREOSOTING COMPANY.

AEL/
Dict. 10-15-17

Manager.

34 2933

C O P Y**REILLY TAR & CHEMICAL CORPORATION****Mr. P. E. White - St. Louis Park****Indianapolis****G. F. Leshar****May 14, 1968****ST. LOUIS PARK - WATER POLLUTION**

During my visit last week, we reviewed in general the refinery operating conditions that might contribute to water pollution at St. Louis Park, and the following are notes on this for our files.

Reference to the files will indicate that the plant does have a crude settling basin installed some years ago. This was originally equipped with baffles so as to settle out and permit pumping off of sediment and heavier oils. The effluent then flows by gravity underground through the plant to an open trench along the property line and from there under Walker Street out of the plant. At the time of our observation last week, the level of solids in the settling pond was quite high, the condition of the baffling system in the pond is questionable, and the visual appearance and quantity of oil going out of the plant was terrible.

One of the problems in operation of the settling basin could be the solids from the boiler blowdown. They increase the quantity and consistency of settlings in the basin, making them difficult to dispose of and changing their characteristics, as well as settling out along the entire effluent system when they aren't controlled within the settling basin. Consideration might be given to additional or supplementary facilities to handle these separately or bypass them.

With reference to the refinery, the water out is presently dropped by gravity from the pans into your ground tank #5. General practice is to pump material from the ground tank about twice per week, moving the oil into storage, following the visual appearance of the oil by a stream sample off the pump, and when water is reached the header is switched and the water is discharged into the trench at the refinery. The trench flows through the refinery into the sump adjacent to the above mentioned settling basin and the sump pump pumps the material up into the far end of the settling basin. Present changes in the refinery include the installation of above ground receiving tanks. One of these will be used for the water cut. The water cut tank will have side outlets to permit draining water into a line to the settling pond. These changes are expected to be completed this year.

Contaminated water also originates at the tar cistern. Water accumulates on the surface of the tar and is handled quite irregularly, possibly at 30 to 60 day intervals. The water is either pumped off the surface of the tar in the cistern onto the yard or it is overflowed from the cistern onto the yard. Theoretically, the yard in this area runs off southwest towards the effluent outlet under Walker Street.

C O P Y**REILLY TAR & CHEMICAL CORPORATION****Mr. P. E. White - St. Louis Park - Page 2****May 14, 1968**

We urgently need an overall review of our water handling and a total plan towards which we can proceed in steps.

Very truly yours,



C. F. Leshner

CFL/bo

cc: Mr. H. L. Finch - St. Louis Park
Mr. M. Mitchell - Reilly Lab.
Mr. R. J. Hennessy - Reilly Lab.

362830

Request for Admission Schedule 3

Schedule 3 contains a list of documents, some of which have been previously marked as exhibits for use during depositions and some which have not. The documents which have not been used as exhibits in depositions are attached; the others are identified by exhibit number.

The documents contained on Schedule 3 have been organized in four groups. For each of the documents listed on Schedule 3, Reilly is requested to admit:

1. That each of the documents is authentic;
2. That, the one document listed in Group A is a business record prepared or maintained by E.H. Renner & Sons Incorporated in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list;
3. That the one document listed in Group B is a public record prepared or maintained by the City of St. Louis Park in the ordinary course of its activities and was made at or near the time of the events or transactions described therein and on the attached list;
4. That each of the Group C documents is a public record prepared or maintained by the Minnesota Department of Health in the ordinary course of its activities and was made at or near the time of the events or transactions described therein and on the attached list;
5. That each of the Group D documents is a business record prepared or maintained by the McCarthy Well Company in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
6. That each of the above documents is admissible.

SCHEDULE 3

Group A Documents

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
471200	MN 153	Renner & Son Well Log	none

Group B Documents

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
710217	MN 101	Memo Workman/McPhee to File	95102456

Group C Documents

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
791108		Letter DeRoos to Koppy	7200225
800616		Letter Ross to Thibault	9820595
320908-321112		MDH Report	9600243-46
380500		MDH Report	219256-60
480303		MDH Report	303229-29A

Group D Documents

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
320607/ 321202		Memo McCarthy	9600289
321102		Reinick Handwritten Notes	9600166
321216		Letter McCarthy to Carlton	9600280
321219		Letter McCarthy to Industrial Chemical Sales	9600272
321223		Memo Reinick	9600185
321216		Letter McCarthy to Martin	9600279
321006		Reinick Handwritten Notes	9600281
341213		Memo McCarthy	9600180-81

Response to Request for Admission Schedule 3

Reilly admits:

1. That each of the documents identified in Schedule 3 is authentic;
2. That, the one document listed in Group A is a business record prepared or maintained by E.H. Renner & Sons Incorporated in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list;
3. That the one document listed in Group B is a public record prepared or maintained by the City of St. Louis Park in the ordinary course of its activities and was made at or near the time of the events or transactions described therein and on the attached list;
4. That each of the Group C documents is a public record prepared or maintained by the Minnesota Department of Health in the ordinary course of its activities and was made at or near the time of the events or transactions described therein and on the attached list;
5. That each of the Group D documents is a business record prepared or maintained by the McCarthy Well Company in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
6. That each of the above documents with the exception of the May 1938 Minnesota Department of Health Report identified by Document Numbers 219256-60 is admissible.

Reilly denies that the May 1938 Minnesota Department of Health Report identified by Document Numbers 219256-60 is admissible.

Reilly does not admit or deny that statements contained in the above referenced documents are true and correct statements of relevant fact.

Request for Admission Schedule 4

Schedule 4 contains a list of newspaper articles. Copies of these articles are attached. For each of these newspaper articles listed on Schedule 5, Reilly is requested to admit:

1. That each of the newspaper articles is authentic;
2. That the attached photocopied pages stamped with with Bates No. 9600231-9600234 is a true and correct copy of an article published in the September 3, 1933, edition of the Minneapolis Tribune;
3. That the attached photocopied pages marked as United States Deposition Exhibit No. 49 is a true and correct copy of an article published in the May 12, 1983, edition of the Minneapolis Star and Tribune; and,
4. That the attached photocopied pages marked as United States Deposition Exhibit No. 50 is a true and correct copy of an article published in the May 19, 1983, edition of the Minneapolis Star and Tribune.
5. That each of the three documents is admissible.

SCHEDULE 4

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
330903		Newspaper article; Minneapolis Sunday Tribune	9600231-34
830512	US49	Newspaper article; Mpls. Star and Tribune	500315
830519	US50	Newspaper article; Mpls. Star and Tribune	

Response to Request for Admission Schedule 4

Reilly admits:

1. That each of the newspaper articles listed below is authentic;

<u>Date</u>	<u>Exhibit Number</u>	<u>Description</u>	<u>Doc. No.</u>
330903		Newspaper article; Minneapolis Sunday Tribune	9600231-34
830512	US49	Newspaper article; Mpls. Star and Tribune	500315
830519	US50	Newspaper article; Mpls Star and Tribune	

2. That the document stamped with Bates No. 9600231-9600234 is a true and correct copy of an article published in the September 3, 1933, edition of the Minneapolis Tribune.

Reilly objects to the characterization of the photocopied pages of the May 12, 1983 and May 19, 1983 articles in the Minneapolis Star and Tribune attached to Schedule 4 of the State of Minnesota's Requests for Admissions as true and correct copies. The photocopies provided by the State of Minnesota are illegible.

Reilly denies that the photocopy of the article stamped with Bates Nos. 9600231-9600234 and the articles identified by United States Deposition Exhibit Numbers 49 and 50 are admissible.

Reilly does not admit or deny that statements contained in the above referenced articles are true and correct statements of relevant fact.

Request for Admission Schedule 5

Schedule 5 contains a list of blueprints. Copies of these blueprints may be viewed at the Offices of the Minnesota Pollution Control Agency, 1935 W. County Road B-2, Roseville, Minnesota 55113. To arrange a mutually convenient time to view the blueprints, telephone Betty McCain, Legal Assistant, at 296-7285. For each of the blueprints listed on Schedule 5, Reilly is requested to admit:

1. That each of the blueprints is a fair and accurate representation of a layout or detail of the plant or is a fair and accurate diagram of activities at the plant;
2. That each of the blueprints is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
3. That each of the blueprints is admissible.

SCHEDULE 5

<u>BLUEPRINTS:</u>	<u>Bates Stamp Numbers</u>	<u>RTC Exhibit Number</u>
	221255	57
	221621	55
	20209 - 221633	54
	221785	
	20194	
	20272	
	20261	
	20200	
	20256	
	221123	
	20259	
	300000	
	20260	

Response to Request for Admission Schedule 5

Reilly admits:

1. That each of the following blueprints is a fair and accurate representation of a layout or detail of the plant or is a fair and accurate diagram of activities at the plant;
2. That each of the following blueprints is a business record prepared or maintained by Reilly Tar in the ordinary course of its business and was made at or near the time of the events or transactions described therein and on the attached list; and,
3. That each of the following blueprints is admissible.

BLUEPRINTS: Bates Stamp Numbers RTC Exhibit Number

221255	57
221621	55
20209 - 221633	54
221785	
20194	
20272	
20261	
20200	
20256	
221123	
20259	
300000	
20260	

Dated: March 11, 1985

REILLY TAR & CHEMICAL
CORPORATION

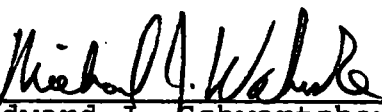
By 
Robert Polack

Subscribed and sworn to before me
this 11th day of March, 1985.


Notary Public

VERONICA M. BLEDSOE
MY COMMISSION EXPIRES JANUARY 29, 1986

DORSEY & WHITNEY

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